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NO. 1296

# Supreme Court of the United States

October Term, 1970

EL RANCO, INC., EL RANCO HOTEL OPERATING CO., and BELDON R. KATLEMAN,

*Petitioners,*

*vs.*

THE FIRST NATIONAL BANK OF NEVADA, as Administrator of the Estate of RENE BARDY,

*Respondent.*

## SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

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IN THE

SUPREME COURT OF THE UNITED STATES

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No. .....

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*Petitioners,*

*vs.*

THE FIRST NATIONAL BANK OF NEVADA, as Administrator of the Estate of RENE BARDY,

*Respondent*

## SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

This supplement is to correct an error in the Petition for Writ of Certiorari filed on or about January 21, 1971, which did not come to counsel's attention until that petition was filed.

On page 5 of their petition, petitioners state, "Plaintiff's counsel prepared the formal order, which was filed on October 27, 1969 (see appendix page 8)." What in fact occurred was that the Order was prepared by the court clerk and then sent to local counsel only. Petitioners believe that had counsel for respondent prepared the order, it would

have been sent to all counsel. The undersigned recalls specifically (and would be supported by affidavits of service by mail) that all copies of pleadings and orders prepared by respondent's counsel Morton Galane were sent to and received by the undersigned in the ordinary course of the mail business. The only communication not received of any official nature was the order of Judge Thompson which was prepared by his clerk and mailed to local counsel. (Mr. Galane had submitted a proposed order for signature but it had apparently not been accepted as prepared.)

While petitioners do not feel that this error affects the validity of the reasons for granting the writ, this supplement is nonetheless being prepared to keep the record straight.

Respectfully submitted,

BURTON MARKS of
MARKS, SHERMAN &
LONDON
A Professional Corporation

*Attorneys for Petitioners*

STATE OF CALIFORNIA )
) ss.
County of Orange )

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and employed in the County of Orange, State of California, over the age of eighteen years and not a party to the within action or proceeding; that .

My business address is 322 Main Street, Huntington Beach, California 92648, that on FEBRUARY 2nd, 1971, I served the within SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI on the following named parties by depositing three copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office in the City of Huntington Beach, California, addressed to said parties at the addresses as follows:

SOLICITOR GENERAL OF THE UNITED STATES
Washington, D. C. 20543

MESSRS. GALANE and WINES
Attorneys at Law
302 East Carson Street
Las Vegas, Nevada 89101

That, in addition to the above, a copy has been forwarded to each of the following:

United States Court of Appeals
For the Ninth Circuit
U. S. Post Office & Courthouse Bldg.
7th & Mission Streets
San Francisco, California 94101

United States District Court
For the District of Nevada
5003 Federal Building
300 Booth Street
Reno, Nevada, 89502

Samuel S. Lionel
Attorney at Law
302 East Carson Street
Las Vegas, Nevada 89101

Leo K. Gold
Attorney at Law
9808 Wilshire Boulevard
Beverly Hills, California 90212

I declare under penalty of perjury that the foregoing is true and correct.

Executed on FEBRUARY 2nd, 1971, at HUNTINGTON BEACH, CALIFORNIA.

D. A. Standefer